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Attorneys for Defendant, Amplity, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

RUKIYA GORDON, an individual,

Plaintiff,

vs.

AMPLITY HEALTH, an unknown  
business entity, AMPLITY, INC., a  
corporation and DOES 1-10, DOES 11-  
20 and DOES 21-20, inclusive,

Defendants.

Case No. 2:24-cv-01614-MWF-MAA

**JOINT RULE 26(f) REPORT**

Trial Date: None Set

Date: April 22, 2024

Time: 11:00 a.m.

Dept. 5A

Pursuant to the Court's March 20, 2024 Order Setting Scheduling Conference,

1 counsel submit their Joint Rule 26(f) Report as follows:

2 **a. Statement of the Case:**

3 On October 31, 2023, Plaintiff Rukiya Gordon (“Plaintiff”), by and through her  
4 attorney, filed a civil action against Amplity, Inc. and Amplity Health [which is a  
5 brand name of Amplity, Inc.] in the Superior Court of the State of California for the  
6 County of Los Angeles, entitled *Rukiya Gordon v. Amplity Health, et al.*, Case No.  
7 23AVCV01245 (“Complaint”).

8 Plaintiff alleges Defendant Amplity, Inc. (“Defendant”) terminated her because  
9 she refused to obtain the Covid 19 vaccination due to her valid religious beliefs and  
10 medical limitations.

11 Plaintiff contends that reasonable accommodations were available, at the very  
12 least, in the form of a remote position, but Defendant ultimately refused to offer that  
13 position to Plaintiff. In addition, Plaintiff contends that the interview process for the  
14 remote position was merely a ploy to obtain information, through the use of improper  
15 and illegal questions, to undermine any claims of legitimate exemptions to which  
16 Plaintiff was entitled.

17 Defendant disputes Plaintiff’s claims. Defendant employed Plaintiff as a  
18 pharmaceutical sales representative. Her job duties required her to meet with medical  
19 practices in-person. Defendant’s clients required pharmaceutical sales  
20 representatives to be vaccinated. Defendant attempted to accommodate Plaintiff.  
21 Unfortunately, Defendant did not possess a position for Plaintiff to transfer into.

22 **b. Subject Matter Jurisdiction**

23 Defendant removed the case to this Court on the basis of Diversity Jurisdiction.  
24 Plaintiff Rukiya Gordon, at the time this action was commenced, was and still is a  
25 citizen of the State of California. Defendant, at the time this action was commenced,  
26 was and still is a Corporation, formed under the laws of New Jersey, with its principal  
27 place of business in Pennsylvania. The amount in controversy exceeds \$75,000.

1           **c.     Legal Issues:**

2           Plaintiff contends that Defendant violated numerous anti-discrimination  
3 statutes which were enacted to protect against, among other things, religious and  
4 disability discrimination. Plaintiff was entitled to both medical and religious  
5 exemptions with respect to the Covid 19 vaccination. Reasonable accommodations  
6 were available and applicable.

7           Defendant contends it did not violate the discrimination laws at issue. Neither  
8 Plaintiff nor Defendant anticipate any unusual procedural, substantive, or evidentiary  
9 issues at this time.

10           **d.     Parties, Evidence, etc.**

11                   **1. Parties**

12           Plaintiff Rukiya Gordon is a natural person, who is and was at all relevant times  
13 hereto, a citizen of the State of California, residing in the County of Los Angeles. At  
14 all relevant times hereto, Plaintiff was an employee of Defendant.

15           Defendant Amplity, Inc. is a New Jersey corporation with its principal place of  
16 business in Pennsylvania.

17                   **2. Non-Party Witnesses**

18           The Parties anticipate the following witnesses may be called, without  
19 prejudice to presenting other witnesses which may become relevant as discovery  
20 proceeds:

- 21           - Person Most Knowledgeable from Amplity, Inc.
- 22           - Rukiya Gordon
- 23           - Expert witnesses
- 24           - Paul-William DeSilva
- 25           - David Hutton
- 26           - Ben Lee
- 27           - Erica Smith
- 28           - Tom Dominy

1 - Amy Baskin

2 - Hon Tran

3 Plaintiff is aware of at least four additional witnesses at this time, but she cannot  
4 recall their specific identities. They will be identified no later than the date set for the  
5 Rule 26(a)(1) initial disclosures.

6 **e. Damages:**

7 Plaintiff estimates that her base hard number damages are \$270,000.00. This  
8 is inclusive of all back pay, including benefits, from the date of her termination  
9 (January 31, 2022) through the date of this scheduling conference. This figure does  
10 not include front pay, attorney's fees, emotional distress damages, costs, and punitive  
11 damages, all of which are viable and subject to proof at the time of trial. Overall,  
12 Plaintiff's claim for damages at trial, excluding punitive damages, will be at least  
13 \$500,000.00.

14 **f. Insurance:**

15 Defendant has insurance coverage. Defendant is unaware of whether there is a  
16 reservation of rights at this time.

17 **g. Motions:**

18 Defendant anticipates that it will file a motion for summary judgment. The  
19 parties do not anticipate any other motions (other than motions in limine) at this time,  
20 but reserve the right to do so if it becomes appropriate in light of discovery.

21 **h. Manual for Complex Litigation:**

22 There are no applicable procedures in the Manual for Complex Litigation to be  
23 used here.

24 **i. Status of Discovery:**

25 Formal discovery has yet to commence. It is anticipated that discovery will  
26 commence no more than thirty (30) days from the date of this joint report.  
27  
28

1           **j.     Discovery Plan:**

2                   ***1. Rule 26(a) Disclosures:***

3           The parties request the Court set May 10, 2024 as the deadline to serve initial  
4 disclosures.

5                   ***2. Subjects on Which Discovery Will be Conducted:***

6           The parties anticipate conducting the following discovery:

7                   **By Plaintiff:**

8           Plaintiff intends to conduct discovery to obtain evidence in support of her  
9 claims of disability and religious discrimination. This will include, among other areas  
10 of inquiry, the Defendants' stated v. actual reasons for Plaintiff's termination from  
11 employment, the facts surrounding Defendants' efforts to identify and secure  
12 accommodations, reasonable or otherwise, to allow Plaintiff to continue her  
13 employment with Defendants, the extent of Defendants' knowledge and intentions  
14 with respect to Plaintiff's employment and termination, the amount of damages  
15 Plaintiff has sustained, and any evidence that Defendants acted with malice,  
16 oppression or fraud.

17           Plaintiff intends to depose the person(s) most knowledgeable at Amplity, Inc.,  
18 as well as all other percipient witnesses identified by Defendant. Plaintiff also intends  
19 to conduct written discovery, within any and all statutory limitations and any orders  
20 of this Court.

21           Plaintiff does not believe that any discovery limitations are necessary or  
22 appropriate beyond those enumerated in Rule 26(b)(1).

23           Plaintiff also requests that the parties agree to produce the initial disclosure  
24 documents, as opposed to merely describing them, as permitted by Rule  
25 26(a)(1)(A)(ii). Counsel will discuss whether a stipulation on that disclosure can be  
26 reached.

27                   **By Defendant:**

28           Defendant will conduct discovery into Plaintiff's supporting evidence and

1 damage mitigation efforts. Defendant will seek information regarding other positions  
 2 Plaintiff has applied for, if Plaintiff secured new employment at any of the positions  
 3 she applied for, any educational opportunities sought by Plaintiff, and Plaintiff's plans  
 4 for future employment.

5 Defendant believes the court should limit discovery to the proportional needs  
 6 of this case. Defendant proposes the Court limit discovery pursuant to Rule 26(b)(1)  
 7 which limits discovery to the proportional to the needs of the case limiting the number  
 8 of depositions, interrogatories, and production requests.

9 At this time, Defendant intends to depose Plaintiff and any percipient witnesses  
 10 she identifies.

11 **k. Discovery Cut-off:**

12 See Schedule of Pretrial and Dates form, attached as Exhibit "A."

13 **l. Expert Discovery:**

14 See Schedule of Pretrial and Dates form, attached as Exhibit "A."

15 **m. Dispositive Motions:**

16 Defendant anticipates that it will file a motion for summary judgment and  
 17 potentially a motion for judgment on the pleadings. At this time, Plaintiff is not aware  
 18 of any issues or claims that may be determined by a motion for summary judgment,  
 19 motion for judgment on the pleadings, or any other dispositive motions.

20 **n. Settlement/Alternative Dispute Resolution (ADR):**

21 The parties will use the services of a private mediator to mediate the case.

22 **o. Trial Estimate:**

23 The parties anticipate a seven to nine day jury trial. At this time, Plaintiff  
 24 anticipates that she will call at least five witnesses, and most likely more. Defendant  
 25 anticipates calling six witnesses.

26 However, the parties reserve the right to amend the number of witnesses at the  
 27 time of trial, as well as the estimated time of trial, depending upon the results of the  
 28 parties' discovery efforts.

1 **p. Trial Counsel:**

2 ***1. Plaintiff's Trial Counsel***

3 Steven Waisbren

4 ***2. Defendant's Trial Counsel***

5 Alexander Harwin

6 **q. Independent Expert or Master:**

7 The parties do not believe that an independent expert/master is needed on  
8 this matter.

9 **r. Timetable:**

10 Please see Exhibit "A."

11 **s. Other Issues:**

12 Unknown at this time.

13  
14 DATED: April 10, 2024

LAW OFFICES OF STEVEN WAISBREN

15  
16  
17 By: /s/ Steven Waisbren

18 STEVEN WAISBREN

Attorneys for Plaintiff, Rukiya Gordon

19 DATED: April 15, 2024

LEWIS BRISBOIS BISGAARD & SMITH LLP

20  
21  
22 By: /s/ Alexander J. Harwin

23 ALEXANDER J. HARWIN

24 Attorneys for Defendant, Amplity, Inc.

JUDGE MICHAEL W. FITZGERALD  
SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

<b>Case No.</b>	2:24-cv-01614-MWF-MAA			
<b>Case Name</b>	Rukiya Gordon v. Amplity, Inc.			
<b>Matter</b>		<b>Plaintiff(s)' Date</b> mo / day / year	<b>Defendant(s)' Date</b> mo / day / year	<b>Court Order</b>
<input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Court Trial <b>(Tuesday at 8:30 a.m.)</b> Duration Estimate: <u>7-9</u> Days		4/15/2025	4/15/2025	
Final Pretrial Conference [LR 16] and Hearing on Motions <i>In Limine</i> <b>(Monday at 11:00 a.m. -- <u>three (3) weeks</u> before trial date)</b> Motions <i>In Limine</i> must be filed <u>three (3) weeks</u> before this date; oppositions are due <u>two (2) weeks</u> before this date; no reply briefs.		3/18/2025	3/18/2025	
<b>Event</b>	<b>Weeks</b> Before Trial	<b>Plaintiff(s)' Date</b> mo / day / year	<b>Defendant(s)' Date</b> mo / day / year	<b>Court Order</b>
Last Date to Hear Motion to Amend Pleadings / Add Parties	36	8/5/2024		
Non-Expert Discovery Cut-Off (at least 4 weeks before last date to hear motions)	18	12/10/24	12/10/24	
Expert Disclosure (Initial)	22	11/14/2024	11/14/2024	
Expert Disclosure (Rebuttal)	18	12/12/2024	12/12/2024	
Expert Discovery Cut-Off	14 *	1/16/2025	1/16/2025	
Last Date to <b>Hear</b> Motions (Monday at 10:00 a.m.)	14	1/16/2025	1/16/2025	
Last Date to Conduct Settlement Conference	12	1/2/2025	1/2/2025	
<u>For Jury Trial</u> , File Memorandum of Contentions of Fact and Law, LR 16-4 , File Exhibit and Witness Lists, LR 16-5.6 , File Status Report Regarding Settlement , File Motions <i>In Limine</i>	6	3/4/2025	3/4/2025	
<u>For Jury Trial</u> , Lodge Pretrial Conference Order, LR 16-7 , File Agreed Set of Jury Instructions and Verdict Forms , File Statement Regarding Disputed Instructions, Verdicts, etc. , File Oppositions to Motions <i>In Limine</i>	5	3/11/2025	3/11/2025	
<u>For Court Trial</u> , Lodge Findings of Fact and Conclusions of Law, LR 52, and Summaries of Direct Testimony	3	3/25/2025	3/25/2025	

\* The parties may choose to cut off expert discovery prior to MSJ briefing. ADR [LR 16-15] Selection:

Attorney Settlement Officer Panel

☒ **Private Mediation**

Magistrate Judge (with Court approval)

**EXHIBIT A**